AMENDED IN SENATE AUGUST 30, 2006

AMENDED IN SENATE AUGUST 29, 2005

AMENDED IN SENATE JUNE 13, 2005

AMENDED IN ASSEMBLY APRIL 28, 2005

ASSEMBLY BILL   No. 1752

Introduced by Assembly Member Levine

March 9, 2005

An act to amend Section 19440 of the Business and Professions Code, relating to horse racing. *add Sections 13385.2 and 13385.3 to the Water Code, relating to water, and declaring the urgency thereof, to take effect immediately.*

AB 1752, as amended, Levine. Horse racing. *Environmental quality.*

The existing Porter-Cologne Water Quality Control Act (the act) imposes civil penalties for certain violations of the act relating to waste discharge requirements. The act authorizes the State Water Resources Control Board or a California regional water quality control board, in lieu of assessing specified mandatory minimum penalties against a publicly owned treatment works (POTW) serving a small community, as defined, to elect to require a POTW to spend an equivalent amount towards the completion of a compliance project if the state board or a regional board makes a specified determination.

SB 1733 of the 2005–06 Regular Session would revise requirements relating to the determination that the state board or a regional board

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is required to make before electing to require a POTW serving a small community to spend funds toward the completion of a compliance project, in lieu of imposing mandatory minimum penalties.

This bill, if SB 1733 is enacted and becomes operative, would provide that those changes made by SB 1733 shall become operative on July 1, 2007, and would require the POTW, prior to the state board or regional board making its determination, to demonstrate to the satisfaction of the state board or the regional board that a specified financing plan is designed to generate sufficient funding to complete the compliance project within a specified time period.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law provides that the California Horse Racing Board shall have all necessary powers to carry out the purposes of the Horse Racing Law. Existing law further provides that a person is disqualified from serving on the board if that person, or his or her spouse or children have a financial interest in specified horse racing activities.~~

~~This bill would require the board to promulgate and adopt regulations regarding conflicts of interest and develop a code of ethics, as specified.~~

Vote: ~~majority~~ ²⁄₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1   *SECTION 1. Section 13385.2 is added to the Water Code, to*
2 *read:*
3   *13385.2. (a) Prior to the state board or regional board*
4 *making its findings pursuant to subdivision (k) of Section 13385,*
5 *the publicly owned treatment works shall demonstrate to the*
6 *satisfaction of the state board or regional board that the*
7 *financing plan prepared pursuant to subparagraph (C) of*
8 *paragraph (1) of subdivision (k) of that section is designed to*
9 *generate sufficient funding to complete the compliance project*
10 *within the time period specified pursuant to subparagraph (A) of*
11 *paragraph (1) of subdivision (k) of that section.*
12   *(b) This section shall only become operative if Senate Bill*
13 *1733 of the 2005–06 Regular Session is enacted and becomes*
14 *operative.*
15   *SEC. 2. Section 13385.3 is added to the Water Code, to read:*

1   *13385.3. (a) The amendments made to subdivision (k) of*
2 *Section 13385 of the Water Code by Senate Bill 1733 of the*
3 *2005–06 Regular Session shall become operative on July 1,*
4 *2007.*
5   *(b) This section shall only become operative if Senate Bill*
6 *1733 of the 2005–06 Regular Session is enacted and becomes*
7 *operative.*
8   *SEC. 3. This act is an urgency statute necessary for the*
9 *immediate preservation of the public peace, health, or safety*
10 *within the meaning of Article IV of the Constitution and shall go*
11 *into immediate effect. The facts constituting the necessity are:*
12   *In order to ensure the timely completion of a compliance*
13 *project proposed by a publicly owned treatment works serving a*
14 *small community, it is necessary that this act take effect*
15 *immediately.*
16 ~~SECTION 1. Section 19440 of the Business and Professions~~
17 ~~Code is amended to read:~~
18 ~~19440. (a) The board shall promulgate and adopt regulations~~
19 ~~regarding board member conflicts of interest and shall develop a~~
20 ~~code of ethics for all board members. The regulations shall~~
21 ~~include, but not be limited to, provisions governing recusal from~~
22 ~~participation in matters before the board due to financial conflict~~
23 ~~of interest, incompatible activities by board members, and~~
24 ~~parimutuel wagering by board members.~~
25 ~~(b) The board shall have all powers necessary and proper to~~
26 ~~enable it to carry out fully and effectually the purposes of this~~
27 ~~chapter. Responsibilities of the board shall include, but not be~~
28 ~~limited to, all of the following:~~
29 ~~(1) Adopting rules and regulations for the protection of the~~
30 ~~public and the control of horse racing and parimutuel wagering.~~
31 ~~(2) Administration and enforcement of all laws, rules, and~~
32 ~~regulations affecting horse racing and parimutuel wagering.~~
33 ~~(3) Adjudication of controversies arising from the enforcement~~
34 ~~of those laws and regulations dealing with horse racing and~~
35 ~~parimutuel wagering.~~
36 ~~(4) Licensing of each racing association and all persons, other~~
37 ~~than the public at large, who participate in a horse racing meeting~~
38 ~~with parimutuel wagering.~~
39 ~~(5) Allocation of racing dates to qualified associations in~~
40 ~~accordance with law.~~

1   (c) The board may delegate to stewards appointed pursuant to
2 Article 5 (commencing with Section 19510) any of its powers
3 and duties that are necessary to carry out fully and effectuate the
4 purposes of this chapter.

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